

before the Convention, is on the motion to strike out "paramount" before "allegiance," in the fourth line. The article commences with a quotation, as I suppose it was meant to be, of a clause in the Constitution of the United States, which clause is in these words:

"This Constitution and the laws of the United States which shall be made in pursuance thereof, and all treaties made or which shall be made under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding."

I not only subscribe to everything stated in that article, that "the judges in every State shall be bound thereby," but I subscribe to an extension of that language, and say that every citizen of every State of this Union shall be bound thereby. I have no objection to incorporating such a declaration, if it shall be the pleasure of the Convention, in our Bill of Rights, although I do not think this is the place for it, and although I find no precedent of its incorporation in any Bill of Rights or Constitution of any State. I recognize the truth of that declaration in its full effect, in its full obligation upon the conscience and upon the good faith of every citizen of the land.

But the learned Committee that reported it will permit me to take exception to the logic which attempts to draw from that clause the doctrine which is here incorporated, that every citizen of this State owes paramount allegiance to the Constitution and Government of the United States.

My objection to that article in the first place is, that nowhere have I found the doctrine taught that allegiance is due to the Constitution or the law, or the Government, if it is taken in its technical sense. If it is to be enlarged to its meaning in European governments, it is not to the law, or to the Constitutional Government, but to the Sovereign, that the tie of allegiance binds the obedience of the subject. If it is to be taken in the sense of obedience, for that I apprehend is principally the sense in which it is used in our State Constitutions, and in ordinary language here, then I say that paramount allegiance is not due to the Constitution or to the laws, but to the people. Paramount obedience is due to the makers of the Constitutions and the laws. Therefore it is that Constitutions and laws pass away and are changed. It is to the authority over Constitutions and laws, to the people, that paramount obedience is due, if it be due anywhere. Therefore it is that I object to the phrase which is attempted to be incorporated here, that supreme allegiance is due either to the Constitution or to the Government; for it is the paramount authority of the people over Constitutions and over Gov-

ernments, which claims the obedience of every citizen.

I have taken occasion to look into this question, and see if any precedent has been set in any instance in the Bill of Rights of any State from 1776 down to the present time. My worthy friend from Anne Arundel, (Mr. Miller,) alluded to the same thing, and said that in most of the States the oath was to support the Constitution of the United States. I have made a tabular view, showing the oaths prescribed in the several State Constitutions.

OATHS.

No oath of office is prescribed by the Constitutions of Pennsylvania, Virginia, North Carolina, Ohio, Missouri, Arkansas, Wisconsin—7 States.

The oath prescribed in the Constitutions of the following States is "to support the Constitution of the United States and of the State," viz: Maine, Connecticut, New York, New Jersey, Tennessee, Indiana, Louisiana, Mississippi, Alabama, Michigan, Iowa, California, Minnesota, Oregon and Kansas—15 States.

The oath prescribed in the Constitutions of the following States is "to preserve, protect and defend the Constitution of this State and of the United States," viz: South Carolina, Illinois and Florida—3 States.

The Constitutions of Vermont, Rhode Island and Kentucky prescribe an oath "to be true and faithful" to the State—and Rhode Island and Kentucky adds: and to support the Constitution of the United States—3 States.

In Texas the oath is "to discharge the duties of the office agreeably to the Constitution and laws of the United States and of this State—1 State.

The Constitutions of the States of Massachusetts, New Hampshire, Maryland and Georgia prescribe an oath of "allegiance" to the State—Maryland adds in the beginning of the oath, "that I will support the Constitution of the United States—4 States.

Oath in Constitution of Maryland, 1776.

Article 55.

"I, A. B., do swear that I do not hold myself bound in allegiance to the King of Great Britain, and that I will be faithful and bear true allegiance to the State of Maryland."

Oath in the Constitution of Maryland, 1850.

"That I will support the Constitution of the United States, and that I will be faithful and bear true allegiance to the State of Maryland and support the Constitution and laws thereof."

There are then only four States which require an oath of allegiance, which I have stated to be synonymous with obedience; and in those States it is allegiance to the State, meaning the people of the State that have the